

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
PLANNING & DEVELOPMENT REVIEW

**AND WHEN RECORDED MAIL TO**  
PERMIT INTAKE  
MAIL STATION 501

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED INDUSTRIAL DEVELOPMENT/COASTAL DEVELOPMENT**  
**PERMIT NO. 99-0036**  
**HEADQUARTERS POINT RESEARCH PARK**  
City Council

This Permit is granted by the Council of the City of San Diego to CITY OF SAN DIEGO, A MUNICIPAL CORPORATION, Owner/Permittee, pursuant to Sections 101.0920, 105.0200 of the Municipal Code of the City of San Diego. The 10.3 acre site is located between Wateridge Circle and Lusk Boulevard in the M1-B (IL-2-1) of the Mira Mesa Community Plan. The project site is legally described as a Portion of Lot 10 of Corporate Research Park II, Map No. 13605, filed July 27, 1998.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to subdivide the site into two lots and develop a planned industrial development described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated (to be filled in) on file in the Office of Planning and Development Review. The facility shall include:

- a. Two lot subdivision, including approximately 35,000 cubic yards of grading, a local industrial road;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. A Planned Industrial Development consistent with the approved Design Guidelines; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal

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Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Permit to Planning and Development Review; and
- b. The Permit is recorded in the office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This Permit No. 99-0036 shall supersede Permit No. 96-0265 as it applies to this 10.3 acre site only.

5. Prior to the issuance of any building permit for any of the parcels within the subdivision, the Owner/Permittee shall construct detention basins as required per City Ordinance 0-17068, to the satisfaction of the City Engineer.

6. This Permit shall comply with the conditions of the final map for Headquarters Point Vesting Tentative Map No. 99-0036.

7. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

8. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

9. Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

10. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service (USFWS) pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game (CDFG) pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program (MSCP), the City of San Diego through the issuance of this permit hereby confers upon permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement (IA), executed on July 17, 1997 and on File in the Office of the City Clerk as Document No. RR- 00-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this permit and the IA, and (2) to assure Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this permit shall be altered in the future by the City of San Diego, USFWS or CDFG,

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except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

11. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.)

12. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

13. Before issuance of any building permits, individual lot development shall be processed through a Substantial Conformance Review, as referenced in the design and development guidelines for Headquarters Point Research Park Planned Industrial Development, marked approved Exhibit "A," dated \_\_\_\_\_, on file in the office of the Planning and Development Review Department.

14. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated (to be filled in), on file in the Office of Planning and Development Review. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

15. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new Permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the Permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed Permit and the condition(s) contained therein.

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16. Rezoning of the subject property shall become effective with the adoption of the Local Coastal Program [LCP] amendment by the Coastal Commission.
17. This Coastal Development Permit shall become effective after the adoption of the Local Coastal Program amendment by the Coastal Commission.
18. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibits "A," dated (to be filled in), on file in the Office of Planning and Development Review.
19. Prior to recordation of this permit with the County Recorder, a fee consistent with the requirements of the Municipal Code shall be deposited in the Office of Planning and Development Review for the Los Peñasquitos Watershed Restoration and Enhancement Program. The enhancement fee shall be computed on the basis of site grading at a rate of \$0.005 per square foot for all areas graded, with an additional rate of \$0.03 per square foot for all impervious surfaces created by the development. The enhancement fee shall be computed by the applicant and verified by Planning and Development Review.
20. Due to the adjacency to the MHPA, the development shall conform with the applicable Land Use Adjacency Guidelines (Section 1.4.3) of the MSCP Subarea Plan. In particular, lighting, drainage, landscaping, grading, access and noise must not adversely affect the MHPA. Lighting shall be directed away from the MHPA, and shielded if necessary. Drainage should be directed away from the MHPA, or if not possible, must not drain directly into the MHPA, but instead into sedimentation basins, grassy swales or mechanical trapping devices. No invasive non-native plant species shall be planted in or adjacent to the MHPA. The landscape design section of the PID should be revised to delete non-native plant species (i.e. Eucalyptus spp. and Schinus molle) from the planting legend for areas adjacent to the MHPA. All manufactured slopes and Zone 1 brush management must be included within the development footprint and outside the MHPA. Access to the MHPA, if any, should be directed to minimize impacts and reduce impacts associated with domestic pet predation. Due to the site's proximity to coastal sage scrub, noise impacts related to construction will need to be avoided, if possible, during the breeding season of the CA gnatcatcher (3/1-8/15). If grading is proposed during the breeding season a survey will be required. If no gnatcatchers are identified within the MHPA no additional measures will be required. If present, measures to minimize noise impacts will be required and should include temporary noise walls/berms. If a survey is not conducted, presence would be assumed and a temporary wall/berm would be required.

### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

21. The Owner/Permittee shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Supplement to Environmental Impact Report, LDR No. 99-0036, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit and/or recordation of the first final map and/or building permit, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Land Use  
Biology

Hydrology/Water Quality  
Traffic/Circulation and  
Paleontological Resources.

Mitigation measures for Land Use, and Hydrology/Water Quality require continued implementation for as long as the permit is valid.

22. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

23. All uses permitted shall be consistent with the M-1B (IL-2-1) and SR (IP-1-1) zones except where prohibited by the Headquarters Point Research Park Planned Industrial Development Permit guidelines.

24. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

25. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations and with any more restrictive standards identified in the design and development guidelines for Headquarters Point Planned Industrial Development.

26. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review, Land Development Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned industrial development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Planning and Development Review Manager.

27. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

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28. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
29. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
30. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed architecturally integrated enclosed structure whose top and sides may include grillwork, louvers and latticework.
31. No merchandise, material or equipment shall be stored on the roof of any building.
32. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A".
33. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated (to be filled in), on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.
34. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated (to be filled in), on file in the Office of Planning and Development Review and all other applicable conditions of related permits.
35. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Owner/Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.
36. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections

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and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

37. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

38. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

39. All landscaping and irrigation for future development on the site shall conform, at a minimum, with the requirements of the City-wide Landscape Regulations and the City of San Diego Landscape Technical Manual.

40. Modified Brush Management Program:

The Owner/Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit 'A' Brush Management Program/Landscape Concept Plan, dated \_\_\_\_\_ on file in the Office of Planning and Development Review:

a) Prior to the issuance of any building permits, a complete set of brush management construction documents shall be submitted for approval to the City Manager and the Fire Chief. The construction documents shall be in substantial conformance with Exhibit 'A' and shall comply with the Uniform Fire Code, M.C. 55.0889.0201, the alternative compliance provision of Section Six of the Landscape Technical Manual (document number RR-274506) on file at the Office of the City Clerk and the Land Development Code Section 142.9412 (Ordinance -18451);

b) The Modified Brush Management Program, using the Alternative Compliance provision, shall consist of two zones consistent with the Brush Management regulations of the Land Development Code section 142.0412 as follows:

Lot #	Zone One	Zone Two
1 and 2	35'	50';

c) The construction documents shall conform to the Architectural features as described in Section 6.6-2 of the Landscape Technical Manual;

d) Within Zone One combustible accessory structures with less than a one hour fire rating are not permitted, including but not limited to: wood decks, trellises, gazebos, etc.

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Non-combustible accessory structures and/or combustible accessory structures with a minimum fire rating of one hour or more may be approved within the designated Zone One area subject to approval by the Fire Chief and the City Manager;

e) All requirements for fire resistive construction and other architectural features shall conform to the applicable City and Regional Building Code Standards. The Fire Chief may consider deviations from these conditions or may require additional conditions at the time of final inspection if it is determined an eminent health and safety risk still exist;

f) Provide the following note on the Brush Management Construction Documents 'It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Planning and Development Review Department to discuss and outline the implementation of the Brush Management Program'.

41. Prior to issuance of any Certificate of Occupancy for any building, the approved Brush Management Program shall be implemented.

42. Brush management areas shall be identified as 'fire hazard reduction zones' on 'non-title sheets' as part of the final map submittal.

43. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Technical Manual, Section Six.

APPROVED by the Council of the City of San Diego on (to be filled in).

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